

4. The Parties fully briefed class certification and a hearing on the matter was held. ECF ## 35-49.

5. On April 27, 2011, this Court entered a Memorandum and Order certifying the action as a class action on behalf of a defined Disclosure Class and a Pre-Adverse Action Sub-class. Exhibit 1. *See also Reardon v. Closetmaid Corp.*, CIV.A. 08-1730, 2011 WL 1628041 (W.D. Pa. Apr. 27, 2011). Attached as Exhibit 1.

6. On September 9, 2011, this Court entered an Order clarifying the class definitions in the Class Certification Order.

7. The Plaintiffs then undertook to send Notice Of Class Action to approximately 2000 Disclosure class members and 60 Pre-Adverse Action sub-class members.

8. Thereafter, on January 9, 2013, this Court held a Status Conference. ECF #79. At the Status Conference, Defendant stated an intention to seek a decertification of the Action. Defendant stated it would proffer dozens of Declarations of so-called “individual hiring managers” as a purported basis for seeking decertification of the class.

9. As fully developed and demonstrated in Class Plaintiffs’ Memorandum Of Law In Support Of the Motion To Deny Reconsideration Of Class Certification, Defendant has not (and cannot) establish the threshold prerequisites for reconsideration of the class certification order. These well-known prerequisites to reconsideration are: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted class certification; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. Defendant has not made (and cannot make) this threshold demonstration.

10. Because these threshold prerequisites have not been demonstrated in the first instance, Defendant has no leave or right to seek reconsideration or decertification. Unless and until such a threshold demonstration is made, the interests of finality and efficiency dictate that no reason exists to schedule any motion for decertification.

11. It is respectfully requested that this Court grant this Motion To Deny Reconsideration Of Class Certification and grant the relief requested in the proposed Order Of Court attached hereto.

Respectfully submitted,

R. CATHY REARDON,
For herself and on behalf of
all similarly situated
individuals.

s/ James M. Pietz

James M. Pietz
PIETZ LAW OFFICE LLC
429 Forbes Avenue, Suite 1616
Allegheny Building
Pittsburgh, PA 15219
412-288-4333
jpietz@jpietzlaw.com

Leonard A. Bennett
Consumer Litigation Associates
12515 Warwick Boulevard
Newport News, VA 23606
757-930-3660
lenbennett@clalegal.com

Christopher Colt North
The Consumer & Employee Rights Law
Firm
751-A Thimble Shoals Boulevard
Newport News, Virginia 23606
757- 873-1010